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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,119	06/25/2001	Paul J. Maddon	24577-CY-B/JPW/MAF/DJK 2537	
75	90 07/14/2005		EXAMI	NER
John P. White			PARKIN, JEFFREY S	
Cooper & Dunh	am LLP			
1185 Avenue of the Americas			ART UNIT	PAPER NUMBER
New York, NY 10036			1648	
			DATE MAILED: 07/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/891,119	MADDON ET AL.
Office Action Summary	Examiner	Art Unit
	Jeffrey S. Parkin, Ph.D.	1648
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the o	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period of the period of th	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed rs will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on 27 S 2a) This action is FINAL. 2b) This 3) Since this application is in condition for alloward closed in accordance with the practice under E 	action is non-final.	
Disposition of Claims		
4) ☐ Claim(s) 16-27 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 16-27 are subject to restriction and/or	wn from consideration.	
Application Papers	,	
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119	,	•
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Continuation Sheet (PTOL-326)

 Serial No.: 09/891,119
 Docket No.: 24577

 Applicants: Maddon, P. J., et al.
 Filing Date: 06/25/2001

Restriction Requirement

Status of the Claims

Acknowledgement is hereby made of receipt and entry of the communication filed 27 September, 2004. Claims 16-27 are pending in the instant application. Applicants are hereby advised that the office action mailed 23 March, 2004, has been vacated in favor of the following action.

35 U.S.C. § 121

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- a. Group I, claim(s) 16, drawn to a **polypeptide** that forms a complex with the HIV envelope glycoprotein, classified in class 530, subclass 350.
- b. Group II, claim(s) 17 and 18, drawn to a **method of treating** an HIV-infected subject by administering a pharmaceutical composition comprising a polypeptide that forms a complex with the HIV Env gp, classified in class 435, subclass 5.
- c. Group III, claim(s) 19-27, drawn to a **method of producing** a polypeptide that is capable of forming a complex with the HIV Env gp, classified in class 435, subclass 69.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)). In the instant case the polypeptide of Group I can be employed in a number

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of materially different immunological and biochemical processes (i.e., the generation of immunological reagents; affinity purification procedures).

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case, the polypeptide of Group I can be prepared by a materially different process such as solid-state peptide synthesis. Moreover, the claimed process can be utilized in the production of any recombinant protein.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (M.P.E.P. § 806.04 and § 808.01). In the instant case, each of the identified methodologies is directed toward a different scientific objective (e.g., treatment of viral infection; production of a reombinant polypeptide) that employs different reagents and methodologies. Moreover, independent searches will also be required for each invention.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, recognized divergent subject matter, and require separate searches, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined

even though the requirement be traversed (37 C.F.R. § 1.143). Applicant is also advised that the claims should be amended to reflect the election, where necessary.

37 C.F.R. § 1.48(b)

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(i).

Correspondence

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, James C. Housel, can be reached at (571) 272-0902. Direct general status inquiries to the Technology Center 1600 receptionist at (571) 272-1600. Formal communications may be submitted through the official facsimile number which is (571) 273-Hand-carried formal communications should be directed toward the customer window located in Crystal Plaza Two, 2011 South Clark Applicants are directed toward the O.G. Place, Arlington, VA. further guidance. 1280 O.G. Informal for 681. communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Jeffrey S. Parkin, Ph.D. Primary Examiner Art Unit 1648

11 July, 2005